

REMARKS/ARGUMENTS

Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of two months of the period for response to the Office Action. Our cheque in respect of the prescribed fee is enclosed.

The allowance of claims 12 and 16 to 31 is gratefully acknowledged.

The Examiner rejected claims 14 and 15 under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Reconsideration of this rejection is requested having regard to the revisions made to claims 14 and 15. Claims 14 and 15 have been amended to clarify that the spent pulping liquor is present in the aqueous colloidal suspension in the recited amounts rather than the final composition.

Having regard thereto, it is submitted that claims 14 and 15 now fully comply with the provisions of 35 USC 112, first paragraph, and hence the rejection should be withdrawn.

The Examiner rejected claims 9 to 11 and 14 to 15 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

Reconsideration is requested having regard to amendments made to claims 9, 14 and 15 and deletion of claim 11.

Claims 9 to 11 were considered to be indefinite for depending from cancelled claims. The dependency of claim 9 has been corrected to be dependent on claim 7, a pending claim. Claims 10 and 11 are dependent, directly or indirectly, on claim 9.

Claims 14 and 15 have been amended as discussed above.

Claim 11 has been deleted.

Having regard to revisions made, it is submitted that claims 9 to 11 and 14 to 15, insofar as they remain in the application, can no longer be considered to be indefinite and hence the rejection thereof under 35 USC 112, second paragraph, as being indefinite, should be withdrawn.

The Examiner rejected claims 1 to 11 and 13 under 35 USC 102(b) as being anticipated by CA 1,163,758. Reconsideration is requested having regard to the revisions made to claims 1, 4, 5 and 7.

Claim 7 has been amended to recite the production of a bituminous composition by adding the step of mixing the anhydrous colloidal dispersion of lignin with bitumen. Claims 9, 10 and 13 are dependent on claim 7.

The procedure of claim 7 involves converting an aqueous colloidal dispersion of lignin in spent pulping liquor to an anhydrous colloidal dispersion of lignin in a lubricating oil, by first mixing a lubricating oil with the spent pulping liquor and then dewatering the mixture so formed at an elevated temperature to form a cream-like paste compatible with bitumen. This cream-like paste then is mixed with bitumen to form the bituminous composition.

The only description of the use of a lubricating oil in the cited reference is in Example 6. The product of this Example is an emulsion. There is no description of dewatering the Kraft soap skimmings. In addition, the fuel oil is blended with asphalt which then is combined 4:1 with a water solution containing the Kraft soap skimmings to form the bitumen in water emulsion.

There is no procedure described, nor suggested, in the reference, in which a lubricating oil is mixed with spent pulping liquor, the mixtures so formed is dewatered at elevated temperature to form a cream-like paste compatible with

bitumen, and the paste is subsequently mixed with bitumen, no matter that the Kraft soap skimmings may contain black liquor solids.

Accordingly, it is submitted that claim 7 and claims dependent thereon, namely claims 9, 10, 13, 14 and 15 are not anticipated by CA 1,163,758 and hence the rejection thereof under 35 USC 102(b) as being anticipated by this prior art, should be withdrawn.

With respect to claims 1 to 6, claims 1, 4 and 5 have been amended to use "consisting of" language. As previously indicated CA 1,163,758 is concerned with a combination of asphalt and Kraft soap skimmings. As stated in CA 1,163,758, such Kraft soap skimmings may contain minor amounts of black liquor solids. There is no description in CA 1,163,758 of any other form of black liquor solids. It is essential to the invention described in CA 1,163,758.

In the Final Action, the Examiner notes the use of "consisting essentially of" in claims 1, 4 and 5 and that this language is open to other ingredients. The Examiner indicates that the specification does not disclose the degree to which the "dewatered lignin-containing spent alkaline pulping liquor" referred to in claims 1, 4 and 5 is dewatered. Since the bituminous composition is anhydrous, it is self-evident that the spent black pulping liquor is completely dewatered (the term "dewatered" would imply this, even in the absence of the term "anhydrous").

To further distinguish the present invention from the cited prior art, claims 1, 4 and 5 have been further amended to utilize "consisting of" language to clearly exclude other components. Accordingly, it is submitted that claims 1 to 6 are not anticipated by CA 1,163,758 and hence the rejection thereof under 35 USC 102(b) as being anticipated by this prior art, should be withdrawn.

Entry of this Amendment after Final Action is requested, in that the application thereby is placed in condition for allowance. In the event the Examiner considers one or more ground of rejection to remain, it is submitted that the

Amendment nevertheless should be entered, since the claims thereby are placed in better conditions for appeal and/or the issues for appeal are reduced.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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